

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

RODERICK T. HILLIARD,)
Plaintiff,)
v.) No. 4:15-CV-852-CAS
TERRIE COATS, et al.,)
Defendants.)

MEMORANDUM AND ORDER

This matter is before the Court upon remand from the Eighth Circuit Court of Appeals. The Eighth Circuit has instructed the District Court to assess and collect the full \$505 appellate filing and docketing fee.

Pursuant to 28 U.S.C. § 1915(b)(1), a prisoner appealing a civil action in forma pauperis is required to pay the full amount of the appellate filing fee. If the prisoner has insufficient funds in his prison account to pay the entire fee, the Court must assess and, when funds exist, collect an initial partial filing fee of 20% of the greater of (1) the average monthly deposits in the prisoner's account, or (2) the average monthly balance in the prisoner's account for the prior six-month period. After payment of the initial partial filing fee, the prisoner is required to make monthly payments of 20 percent of the preceding month's income credited to the prisoner's account. 28 U.S.C. § 1915(b)(2). The agency having custody of the prisoner will forward these monthly payments to the Clerk of Court each time the amount in the prisoner's account exceeds \$10, until the filing fee is fully paid. *Id.*

Plaintiff has submitted an affidavit and a certified copy of his prison account statement for the six-month period immediately preceding the submission of his notice of appeal. The Court

notes that his initial partial filing fee for his appellate filing fee is the same as his District Court filing fee which plaintiff has still not paid.

Accordingly,

IT IS HEREBY ORDERED that the Clerk of Court shall instruct the Missouri Department of Corrections to deduct from plaintiff's prison account \$17.77 to pay the District Court initial filing fee that was due and owing to this Court on September 17, 2015. After payment of this initial partial filing fee, MDOC shall take from plaintiff's prison account monthly payments of 20 percent of the preceding month's income credited to his account until this Court's filing fee of \$350 is paid in full. See 28 U.S.C. § 1915(b)(2).

IT IS FURTHER ORDERED that in accordance with the Judgment from the Eighth Circuit Court of Appeals, MDOC shall also deduct from plaintiff's prison account an initial partial filing fee of \$17.77 to pay the Court of Appeals' initial filing fee. After payment of this initial partial filing fee, MDOC shall take from plaintiff's prison account monthly payments of 20 percent of the preceding month's income credited to his account until the Eighth Circuit Court of Appeal's filing fee of \$505 is paid in full. See 28 U.S.C. § 1915(b)(2).



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 31st day of March, 2016.